

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kazutaka Nakamoto et al.

Application No.: 10/573,890

Confirmation No.: 9930

Filed: March 29, 2006

Art Unit: N/A

For: NOVEL ANTIFUNGAL AGENT
CONTAINING HETERO CYCLIC
COMPOUND

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION BUT BEFORE FINAL
REJECTION OR NOTICE OF ALLOWANCE OR CONCURRENTLY WITH A RULE
1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-SB08(s), attached hereto.

II. **COPIES**

a. Copies of cited U.S. patents and patent application publications are not included.
Copies of foreign patent documents and non-patent literature are included.

b. Some or all of the documents listed on the PTO-SB08 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

c. REFERENCES PREVIOUSLY CITED OR SUBMITTED - Pursuant to 37 C.F.R. §1.98(d), consideration of information listed on the PTO-SB08 form(s) is requested since any patents, publications, or other information which are listed on the PTO-SB08 form(s) but for which copies are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Appl. No(s) and U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

a. DOCUMENTS IN THE ENGLISH LANGUAGE - The patents, publications, or other information listed on the attached PTO SB08 are in the English language and therefore, do not require a statement of relevancy.

b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE - A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows: WO 02/04626A1, US 5,852,042, EP 1229034, WO 02/060875, WO 02/060896, WO 03/068232, WO 2004/029027 and WO 2004/000813A1 are cited in the present specification.

An English language abstract is attached to each of JP 7-25853, WO 86/03203 A1, JP 3-161470, JP 54-2325, JP 2002-275159, WO 03/059903 A2, WO 99/48492 A1, WO 01/25181 A1, WO 98/25883 A1 and JP 2000-178243.

JP 2000-504336 corresponds to US Patent No. 6,313,127; JP 2003-506466 corresponds to US Patent No. 6,630,495; JP 61-148178 corresponds to US Patent No. 4,720,493; JP 59-206353 corresponds to EP 124067 A1; JP 1-246264 corresponds to US Patent No. 5,296,484; JP 10-505600 corresponds to WO96/09294 A1; and JP 3-66689 corresponds to US Patent Nos. 5,034,393 and US 5,350,749.

- c. **ENGLISH LANGUAGE SEARCH REPORT** - An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).
- d. **OTHER** - The following additional information is provided for the Examiner's consideration.

IV. **FEES** (check one box)

- a. This Information Disclosure Statement is being filed concurrently with the filing of a new patent application; therefore, no fee is required.
- b. This Information Disclosure Statement is being filed concurrent with the filing of a continuation-in-part, continuation, or divisional patent application; therefore, no fee is required.
- c. This Information Disclosure Statement is being filed within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
(This section is not to be used with RCE's.)
- d. This Information Disclosure Statement is being filed within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- e. This Information Disclosure Statement is being filed concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

f. This Information Disclosure Statement is being filed before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account for the fee as required by 37 C.F.R. § 1.17(p).

g. This Information Disclosure Statement is being filed before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

No statement; therefore, a fee as required by 37 C.F.R. § 1.17(p) is attached.

or

See the statement below. No fee is required.

V. **STATEMENT UNDER 37 C.F.R. § 1.97(e)**

(check only one box)

The undersigned hereby states that:

a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or

b. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

c. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any

individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VI. PAYMENT OF FEES (check one box)

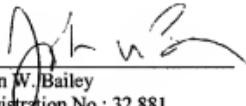
The required fee is listed on the attached Fee Transmittal.
 No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: JUL 6 2006

Respectfully submitted,

By 
John W. Bailey
Registration No.: 32,881
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attachment(s):

- PTO-SB08
- Documents
- Foreign Search Report
- Fee
- Other:

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Substitute for Form 1449A/B/PTO

Complete If Known

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	1	of	2	Attorney Docket Number	3939-0118PUS1
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U.S. PATENT DOCUMENTS

Examiner Initials*	Clip No	Document Number Number-Kind Code ² (If Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AA*	US-5,296,484-A	03-22-1994	Coghlan et al.		
AB*	US-5,852,042	12-22-1998	Jakobi et al.		
AC*	US-5,945,431	08-31-1999	Jin et al.		
AD*	US-6,060,767	06-27-2000	Klein et al.		
AE*	US-5,710,171	01-20-1998	Dinsmore et al.		

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Clip No	Foreign Patent Document Country Code ² -Number-Kind Code ² (If Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
BA	JP-2000-504336-A	04-11-2000				
BB	JP-2003-506466-A	02-18-2003				
BC	JP-7-25653-A	01-27-1995				
BD	JP-81-148178-A	07-05-1988				
BE	JP-3-151470-A	07-11-1991				
BF	WO-02/053645-A1	10-24-2002				
BG	WO-03/045385-A1	06-05-2003				
BH	JP-59-206353-A	11-22-1984				
BI	JP-1-246264-A	10-02-1989				
BJ	JP-54-2325-A	01-09-1979				
BK	JP-10-505800-A	06-02-1998				
BL	JP-3-66689-A	03-22-1991				
BM	WO-02/04626-A1	01-17-2002				
BN	EP-1229034-A1	08-07-2002				
BO	WO-02/060875-A1	08-08-2002				
BP	WO-02/060896-A1	08-08-2002				
BQ	WO-03/058232-A1	08-21-2003				
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BS	WO-2004/000813-A1	12-31-2003				
BT	WO-97/28126-A1	08-07-1997				
BU	WO-02/22583-A2	03-21-2002				
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BW	WO-86/03203-A1	06-05-1986				
BX	EP-0124067-A1	11-07-1984				
BY	WO-96/01929-A1	03-28-1996				
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BA1	JP-2002-275159-A	09-25-2002				
BB1	WO-03/059903-A2	07-24-2003				
BC1	WO-994/8492-A1	09-30-1999				
BD1	EP-1275653-A1	01-15-2003				
BE1	EP-1275301-A1	01-15-2003				
BF1	WO-01/74779-A1	10-11-2001				
BG1	WO-02/060898-A1	08-08-2002				
BH1	DE-19727117-A1	01-07-1999				
BI1	WO-01/25181-A1	04-12-2001				

Examiner Signature	Date Considered
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Substitute for form 1449A/B/PTO

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	2	of	2	Attorney Docket Number	3939-0118PUS1
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BJ1	WO-00/73283-A1	12-07-2000			
BK1	WO-98/25883-A1	06-18-1998			
BL1	WO-01/53274-A1	07-26-2001			
BM1	WO-00/07991-A1	02-17-2000			
BN1	WO-01/27096-A1	04-19-2001			
BO1	WO-00/51995-A1	09-08-2000			
BP1	WO-01/21584-A1	03-29-2001			
BQ1	JP-2000-178243-A	06-27-2000			
BR1	WO-98/50029-A1	11-12-1998			
BS1	EP-0274867-A2	07-20-1988			
BT1	WO-02/06275-A1	01-24-2002			
BU1	EP-0533130-A1	09-16-1992			
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BZ1	WO-93/12084-A1	06-24-1993			
BA2	WO-99/50247-A1	07-10-1999			
BB2	WO-00/82778-A1	10-26-2000			
BC2	WO-01/51456-A2	07-19-2001			

*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those applicants who are not Japanese citizens or Japanese residents and are not applying for a Japanese patent must provide the CITE NO. as indicated in section 37 CFR 1.49(a)(2)(ii). * Kind of document: If the application is filed before June 30, 2008 or is in accordance with Article 17(1) of the PCT, the applicant must provide the unique citation designation number (optional). ² See kind of Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city ² and/or country where published	T ³
CA	SHINKAI et al., J. Med. Chem., Vol. 31, pp. 2092-2097, (1988).		
CB	OKAWA et al., Synthesis, pp. 1467-1475, (1998).		
CC	OHSHIMA et al., J. Med. Chem., Vol. 35, pp. 3402-3413, (1992).		

*EXAMINER Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached

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